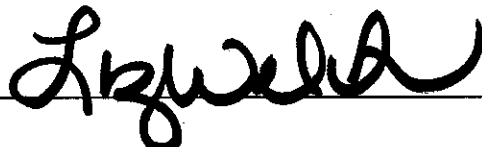


4/20/16

10:11 AM.

Chapter No. 451  
16/SS26/R261SG  
LR 1/10/16

## ***SENATE BILL NO. 2157***

Originated in Senate  Secretary

SENATE BILL NO. 2157

AN ACT TO AMEND SECTIONS 37-177-1, 37-177-3, 37-177-5, 37-177-9, 37-177-11 AND 37-177-13, MISSISSIPPI CODE OF 1972, TO PROVIDE STANDARDS TO BE DOCUMENTED FOR INTENSIVE READING INSTRUCTION AND INTERVENTION UNDER THE LITERACY-BASED PROMOTION ACT; TO PROVIDE THAT BEGINNING IN THE 2018-2019 SCHOOL YEAR PROMOTION TO GRADE 4 IS PROHIBITED UNLESS A STUDENT'S READING DEFICIENCY IS REMEDIED BEFORE THE END OF GRADE 3 AS DEMONSTRATED BY CERTAIN ASSESSMENTS AND TO MAKE CERTAIN TECHNICAL AMENDMENTS TO THE "LITERACY-BASED PROMOTION ACT"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-177-1, Mississippi Code of 1972, is amended as follows:

37-177-1. (1) There is established an act prohibiting social promotion to be known as the "Literacy-Based Promotion Act," the purpose of which is to improve the reading skills of Kindergarten and First\_ through Third\_Grade students enrolled in the public schools so that every student completing the Third Grade is able to read at or above grade level. It is the intent of the Legislature, in establishing this act, to ensure that: each Kindergarten and First\_ through Third\_Grade student's progression is determined, in part, upon the student's proficiency

in reading; the policies of local school boards facilitate this proficiency; and each student and the student's parent or legal guardian is informed of the student's academic progress.

(2) Each public school student who exhibits a substantial deficiency in reading at any time, as demonstrated through performance on a reading screener approved or developed by the State Department of Education or through locally determined assessments and teacher observations conducted in Kindergarten and Grades 1 through 3 or through statewide end-of-year assessments or approved alternate yearly assessments in Grade 3, must be given intensive reading instruction and intervention immediately following the identification of the reading deficiency. The intensive reading instruction and intervention must be documented for each student in an individual reading plan, which includes, at a minimum, the following:

- (a) The student's specific, diagnosed reading skill deficiencies as determined (or identified) by diagnostic assessment data;
- (b) The goals and benchmarks for growth;
- (c) How progress will be monitored and evaluated;
- (d) The type of additional instructional services and interventions the student will receive;
- (e) The research-based reading instructional programming the teacher will use to provide reading instruction,

addressing the areas of phonemic awareness, phonics, fluency, vocabulary and comprehension;

(f) The strategies the student's parent is encouraged to use in assisting the student to achieve reading competency; and

(g) Any additional services the teacher deems available and appropriate to accelerate the student's reading skill development.

(3) The universal reading screener or locally determined reading assessment may be given in the first thirty (30) days of the school year and repeated if indicated at midyear and at the end of the school year to determine student progression in reading in Kindergarten through Third Grade. If it is determined that the student continues to have a reading deficiency, the student must be provided with continued intensive reading instruction and intervention by the school district until the reading deficiency is remedied. A student exhibiting continued reading deficiency with continued intensive interventions should be considered for exceptional criteria evaluation.

(4) A Kindergarten or First-, Second- or Third-Grade student identified with a deficiency in reading must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. The intensive intervention must include effective instructional strategies, and appropriate teaching methodologies necessary to assist the student in becoming a

successful reader, able to read at or above grade level, and ready for promotion to the next grade. A Kindergarten, First-, Second- or Third-Grade student identified with a reading deficiency or not promoted may be placed in a transition class.

SECTION 2. Section 37-177-3, Mississippi Code of 1972, is amended as follows:

37-177-3. Immediately upon the determination of a reading deficiency, and subsequently with each quarterly progress report until the deficiency is remediated, the parent or legal guardian of a Kindergarten or First-, Second- or Third-Grade student who exhibits a substantial deficiency in reading must be notified in writing by the student's teacher of the following:

(a) That the student has been identified as having a substantial deficiency in reading;

(b) A description of the services that the school district currently is providing to the student;

(c) A description of the proposed supplemental instructional services and supports that are designed to remediate the identified area of reading deficiency which the school district plans to provide the student, as outlined in the student's individual reading plan;

(d) That if the student's reading deficiency is not remediated before the end of the student's Third-Grade year, the student will not be promoted to Fourth Grade unless a good cause exemption specified under Section 37-177-11 is met;

(e) Strategies for parents and guardians to use in helping the student to succeed in reading proficiency; and

(f) That while the state annual accountability assessment for reading in Third Grade is the initial determinant, it is not the sole determiner of promotion and that approved alternative standardized assessments are available to assist the school district in knowing when a child is reading at or above grade level and ready for promotion to the next grade.

**SECTION 3.** Section 37-177-5, Mississippi Code of 1972, is amended as follows:

37-177-5. The State Department of Education shall establish a Mississippi Reading Panel to collaborate with the State Department of Education in recommending appropriate equitable alternative standardized assessments and cut scores to be used to determine promotion to the Fourth Grade of those Third-Grade students who \* \* \* did not score at the required achievement level on the state annual accountability assessment, as outlined in Section 37-177-9, or who, for unforeseen circumstances, were unable to take the assessment. The panel should have knowledge and input in the adoption or development of a universal screener for required use only in select schools most in need for the reading intervention program to identify reading deficiencies and determine progress. A suggestive list of no less than four (4) screening assessments should be available to schools not selected for the critical reading intervention program taking into

consideration those screening assessments already being used satisfactorily in Mississippi elementary schools. An approved alternative standardized reading assessment may be used in \* \* \* years when the state is transitioning to a new state annual accountability assessment. The panel shall consist of six (6) members as follows: the State Superintendent of Education, or his/her designee, who will chair the committee; the Chair of the House Education Committee, or his designee; the Chairman of the Senate Education Committee, or his designee; one (1) member appointed by the Governor; and two (2) additional members appointed by the State Superintendent of Education.

**SECTION 4.** Section 37-177-9, Mississippi Code of 1972, is amended as follows:

37-177-9. A public school student may not be assigned a grade level based solely on the student's age or any other factors that constitute social promotion.

Beginning in the 2014-2015 school year, if a student's reading deficiency is not remedied by the end of the student's Third-Grade year, as demonstrated by the student scoring at the lowest achievement level in reading on the state annual accountability assessment or on an approved alternative standardized assessment for Third Grade, the student shall not be promoted to Fourth Grade.

Beginning in the 2018-2019 school year, if a student's reading deficiency is not remedied by the end of the student's

Third-Grade year, as demonstrated by the student scoring above the lowest two (2) achievement levels in reading on the state annual accountability assessment or on an approved alternative standardized assessment for Third Grade, the student shall not be promoted to Fourth Grade.

SECTION 5. Section 37-177-11, Mississippi Code of 1972, is amended as follows:

37-177-11. (1) A Third-Grade student who does not meet the academic requirements for promotion to the Fourth Grade may be promoted by the school district only for good cause. Good cause exemptions for promotion are limited to the following students:

(a) Limited English proficient students who have had less than two (2) years of instruction in an English Language Learner program;

(b) Students with disabilities whose individual education plan (IEP) indicates that participation in the statewide accountability assessment program is not appropriate, as authorized under state law;

(c) Students with a disability who participate in the state annual accountability assessment and who have an IEP or a Section 504 plan that reflects that the individual student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading \* \* \* or previously was retained in Kindergarten or First, Second or Third Grade;



(d) Students who demonstrate an acceptable level of reading proficiency on an alternative standardized assessment approved by the State Board of Education; and

(e) Students who have received intensive intervention in reading for two (2) or more years but still demonstrate a deficiency in reading and who previously were retained in Kindergarten or First, Second or Third Grade for a total of two (2) years and have not met exceptional education criteria. A student who is promoted to Fourth Grade with a good cause exemption shall be provided an individual reading plan as described in Section 37-177-1(2), which outlines intensive reading instruction and intervention informed by specialized diagnostic information and delivered through specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers in implementing reading strategies that research has shown to be successful in improving reading among students with persistent reading difficulties.

(2) A request for good cause exemptions for a Third-Grade student from the academic requirements established for promotion to Fourth Grade must be made consistent with the following:

(a) Documentation must be submitted from the student's teacher to the school principal which indicates that the promotion of the student is appropriate and is based upon the student's record. The documentation must consist of the good cause exemption being requested and must clearly prove that the student

is covered by one (1) of the good cause exemptions listed in subsection (1)(a) through (e) of this section.

(b) The principal shall review and discuss the recommendations with the teacher and parents and make a determination as to whether or not the student should be promoted based on requirements set forth in this chapter. If the principal determines that the student should be promoted, based on the documentation provided, the principal must make the recommendation in writing to the school district superintendent, who, in writing, may accept or reject the principal's recommendation. The parents of any student promoted may choose that the student be retained for one (1) year, even if the principal and district superintendent determines otherwise.

**SECTION 6.** Section 37-177-13, Mississippi Code of 1972, is amended as follows:

37-177-13. Beginning in the 2014-2015 school year, each school district shall take the following actions for retained Third-Grade students:

(a) Provide Third-Grade students who are not promoted with intensive instructional services, progress monitoring measures, and supports to remediate the identified areas of reading deficiency, as outlined in the student's individual reading plan, including a minimum of ninety (90) minutes during regular school hours of daily, scientifically research-based reading instruction that includes phonemic awareness, phonics,

fluency, vocabulary and comprehension, and other strategies prescribed by the school district, which may include, but are not limited to:

- (i) Small group instruction;
- (ii) Reduced teacher-student ratios;
- (iii) Tutoring in scientifically research-based reading services in addition to the regular school day;
- (iv) The option of transition classes;
- (v) Extended school day, week or year; and
- (vi) Summer reading camps.

(b) Provide written notification to the parent or legal guardian of any Third-Grade student who is retained that the student has not met the proficiency level required for promotion and the reasons the student is not eligible for a good cause exemption. The notification must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency, as outlined in the student's individual reading plan. This notification must be provided to the parent or legal guardian in writing, in a format adopted by the State Board of Education in addition to report cards given by the teacher.


(c) Provide Third-Grade students who are retained with a high-performing teacher, as determined by student performance data, particularly related to student growth in reading,

above-satisfactory performance appraisals, and/or specific training relevant to implementation of this chapter.

(d) Provide parents and legal guardians of Third-Grade students with a "Read at Home" plan outlined in a parental contract, including participation in regular parent-guided home reading.

SECTION 7. This act shall take effect and be in force from and after July 1, 2016.


PASSED BY THE SENATE  
April 12, 2016

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 24, 2016

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

April 20, 2016  
10:11 am